

ENVIRONMENTAL PROTECTION COMMISSION[567]

Adopted and Filed Emergency After Notice

Pursuant to the authority of Iowa Code section 455B.173(11), the Environmental Protection Commission hereby amends Chapter 64, “Wastewater Construction and Operation Permits,” Iowa Administrative Code.

These amendments reissue the existing National Pollutant Discharge Elimination System (NPDES) Pesticides General Permit known as General Permit No. 7 (GP7). This general permit allows for the discharge of pesticides to waters of the United States. The previous general permit was issued on March 30, 2011, and expired on March 29, 2016. Pesticide applications covered under GP7 include those for control of aquatic nuisance insects; weeds, algae, fungi, bacteria, and fish parasites in water and at water’s edge; aquatic nuisance animals; and forest canopy pests at water’s edge. Irrigation return flows and agricultural storm water discharges are not covered under GP7 because they are specifically exempted from the Clean Water Act’s permitting requirements. There are no fees associated with GP7.

In addition to renewing GP7, the Commission further reduced the regulatory burden on pesticide applicators by removing the requirement that large applicators must submit a Notice of Intent (NOI) for coverage under GP7. Under the renewed permit, all pesticide applications meeting the eligibility criteria will be automatically covered, without the need to submit an NOI. The Commission removed all requirements that were specific to large applicators, including the development and implementation of integrated pest management plans and the creation of annual reports.

Notice of Intended Action was published in the Iowa Administrative Bulletin on March 16, 2016, as **ARC 2441C**. A public hearing was held in Des Moines on April 5, 2016, with notice of the hearing sent to various individuals, organizations, and associations and to statewide news network organizations. No comments were received. These amendments are identical to those published under Notice of Intended Action. GP7 is unchanged except that the effective and expiration dates on the cover page of the General Permit have been updated to reflect the effective date of the amendments.

Pursuant to Iowa Code section 17A.5(2)“b”(1)(b), the Department finds that the normal effective date of these amendments, 35 days after publication, should be waived and the amendments made effective May 18, 2016. These amendments confer a benefit to or remove a restriction on the regulated public in that they simplify requirements for permit coverage and minimize the length of time the permit must be administratively extended.

After analysis and review of this rule making, no impact on jobs has been found.

These amendments are intended to implement Iowa Code sections 455B.173(11) and 455B.186.

These amendments became effective May 18, 2016.

The following amendments are adopted.

ITEM 1. Rescind subparagraph **64.3(4)“b”(7)**.

ITEM 2. Amend subrule 64.15(7) as follows:

64.15(7) “Pesticide General Permit (PGP) for Point Source Discharges to Waters of the United States ~~From from the Application of Pesticides,~~” NPDES General Permit No. 7, effective ~~March 30, 2011~~ May 18, 2016, to ~~March 29, 2016~~ May 17, 2021.

[Filed Emergency After Notice 5/18/16, effective 5/18/16]

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EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 6/8/16.